

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF FEBRUARY 28, 2008

Stephen Huddleston, J.D., President called the meeting to order at 9:00 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Navin Barot, M.D., Vice -President
Bharat Barai, M.D.
Thomas Akre, D.O., Secretary
Worthe Holt, Jr., M.D.

Members Absent: Donald Vennekotter, M.D.
Robert Kavelman, M.D.

Staff Present: Michael Rinebold, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmitt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,
Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Holt/Akre, 5/0/0

The Board voted to adopt the minutes of the January 24, 2008 meeting.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D.,
Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Holt/Akre, 5/0/0

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following appeared before the full Board for their scheduled personal appearance.

Devjit Halder, M.D. – Dr. Halder appeared before the Board concerning a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

After discussion the Board moved to TABLE Dr. Halder's application until the July meeting giving Dr. Halder time to secure a mentor or enter into a residency program. The Board requested that whom ever he secures should attend the meeting with Dr. Halder in July.

Barai/Akre, 4/0/0
Motion carries

Mervin Leader, M.D. – Dr. Leader appeared before the Board concerning a positive response on his application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Dr. Leader previously held Indiana license number 01038312A which expired 6/30/01 for non-payment of renewal fees. Dr. Leader previously discussed this issue with the Board during a personal appearance for renewal before his license expired.

After discussion the Board moved to APPROVE Dr. Leader's application for licensure.

Barai/Barot, 4/0/0
Motion carries

David Shoemaker, M.D. – Dr. Shoemaker appeared before the Board concerning positive responses on his application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Dr. Shoemaker previously held Indiana license number 01045898A which expired 6/30/99 for non-payment of renewal fees.

Dr. Shoemaker is currently having issues with his licenses in Oregon and Washington State. The Board suggested that he clear these issues. Dr. Shoemaker requested to withdraw his application until he has settled the Oregon and Washington issues.

After discussion the Board APPROVED Dr. Shoemaker's request to withdraw his application for licensure.

Barai/Huddleston, 4/0/0
Motion carries

Michael Yuz, M.D. – Dr. Yuz appeared before the Board concerning positive responses on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Dr. Yuz's New York license was on probation from October 25, 2004 until November 2007. Pennsylvania Board issued him a public reprimand and fine.

After discussion the Board moved to APPROVE Dr. Yuz's renewal application.

Akre/Huddleston, 4/0/0
Motion carries

Michael Rogan, M.D. – Dr. Rogan appeared before the Board concerning positive responses on his application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Candace Backer, ISMA was sworn in as a witness for the Respondent.

Ms. Backer testified that Dr. Rogan signed a ten (10) year contract with ISMA February 2007 and is in compliance with his contract.

He previously held Indiana license number 01047124A which he voluntarily surrendered in lieu of discipline on September 28, 2004.

After discussion and consideration of evidence presented by Dr. Rogan the Board moved to APPROVE Dr. Rogan's initial application on INDEFINITE PROBATION with terms and conditions.

Akre/Barot, 4/0/0
Motion carries

The Board discussed amending the agenda to include a settlement presentation regarding William Chernoff, M.D. Dr. Chernoff, his counsel and the Deputy Attorney General participated in a settlement conference with Dr. Holt earlier in the morning and requested the opportunity to present the settlement to the Board.

After discussion the Board voted to amend the agenda to include the settlement presentation of William Chernoff, M.D.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Barai/Barot, 4/1/0, with Mr. Huddleston objecting
Motion carries

**William Gregory Chernoff, M.D., License No. 01040295A, Cause No. 2006
MLB 0003**

Respondent did appear in person and was represented by Stacy Cook and Larry Mackey. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions.

The agreement did not include the length of time before the Respondent could request withdrawal of probation. The State indicated they would leave this up to the Board, but felt that no less than 5 years would be appropriate and the Respondent and his counsel stated that they request no more than 3 years but would consider longer should the Board feel that more than three years were appropriate.

The Board upon reviewing the agreement indicated that paragraph number 56 needed to be amended to indicate that the Respondent must request withdrawal of probation and have a hearing before the Board regarding this matter.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the Agreement with paragraph 52 to indicate Indefinite Probation for a period of three (3) years and to change paragraph 56 to indicate Respondent must request withdrawal of probation.

Akre/no second
Motion failed

The Board further discussed the agreement and moved to ACCEPT the Agreement with paragraph 52 to indicate Indefinite Probation for a period of one (1) year and to change paragraph 56 to indicate Respondent must request withdrawal or probation.

Barai/Barot, 2/2/1, with Dr. Akre and Mr. Huddleston objecting and Dr. Holt abstaining
Motion failed

After further discussion the Board moved to ACCEPT the Agreement with paragraph 52 to indicate Indefinite Probation for a period of two (2) years and to change paragraph 56 to indicate Respondent must request withdrawal or probation.

Barai/no second
Motion fails

After further discussion, at 12:15 p.m., the Board moved to TABLE this matter giving the Respondent, his counsel and the Attorney General's Office time to come to an agreement on length of time.

Akre/Huddleston, 4/0/1, with Dr. Holt abstaining

The Board reconvened this matter at 12:45 p.m. The State indicated to the Board that they have received authorization to agree to Indefinite Probation for a period of three (3) years. The Respondent and his counsel are also agreeable to a period of three (3) years.

After discussion the Board moved to ACCEPT the Agreement of INDEFINITE PROBATION with terms and conditions, with paragraph 52 to indicate Indefinite Probation for a period of three (3) years and to change paragraph 56 to indicate Respondent must request withdrawal or probation.

Akre/Barot, 3/1/1, with Mr. Huddleston objecting and Dr. Holt abstaining
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued.

Paul Joseph Brownson, M.D., License No. 01039083A, Cause No. 2007 MLB 0020

Matthew Jay Wise, M.D., License No. 01060423A, Cause No. 2007 MLB 0035

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Dr. Wise's Ohio license has been revoked and he voluntarily surrendered his Florida license.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included VOLUNTARY and PERMANENT SURRENDER of his Indiana license with the stipulation that he will never reapply for an Indiana license.

After reviewing the agreement and taking its file in to consideration the Board moved to ACCEPT the agreement.

Barai/Akre, 4/0/0
Motion carries

Michael Mulligan, M.D., License No. 01043312A, Cause No. 2007 MLB 0025

Respondent did appear in person and was not represented by counsel regarding an Extension of Summary Suspension/Order to Show Cause scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Candace Backer, ISMA was sworn in as a witness for the Respondent.

In a previous hearing before the Board concerning his renewal application, Dr. Mulligan agreed to Indefinite Probation with one of the terms being that he must sign a contract with ISMA. Upon reviewing the ISMA contract he refused to sign it.

Ms. Backer testified that Dr. Mulligan has now signed a five (5) year contract on January 7, 2008 and is in compliance.

After having considered the evidence presented and testimony of the witness and taking official notice of its file in this matter the Board moved to DISMISS the Order to Show Cause and to LIFT the Summary Suspension. The Board moved to reinstate the INDEFINITE PROBATION issued at the August 2007 meeting and to continue it with the same terms and conditions.

Barai/Barot, 4/0/0
Motion carries

Dan Miulli, D.O., License No. 02001188A, Cause No. 2007 MLB 0036

Respondent did not appear in person and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

After discussion the Board moved to DISMISS this matter.

Barai/Akre, 4/0/0
Motion carries

Maria Javeed, M.D., License No. 01051760A, Cause No. 2008 MLB 0002

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

The Attorney General's Office has been unable to contact the Respondent.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Akre, 4/0/0
Motion carries

**Raymond Eugene Warren, M.D. License No. 01060320A, Cause No. 2007
MLB 0034**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Mr. Rinebold informed the Board that Dr. Warren was unable to attend due to a terminal illness.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included a LETTER of REPRIMAND and a FINE of \$1,000.00

After having reviewed the agreement and taking its file into consideration the Board moved to APPROVE the agreement.

Barai/Barot, 4/0/0
Motion carries

**Trevor E. Treasure, DDS, M.D., License No. 01060152A, Cause No. 2007
MLB 0021**

Respondent did appear in person and was represented by Susan Ziel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Heather Kennedy and the court reporter sworn in for this matter was Sherri Rutledge, with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Treasure is currently practicing as a dentist in Indiana. The Dental Board recently placed his license on indefinite probation with terms and conditions.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION may not lift until the successful completion of his Dental probation with terms and conditions. The Board also issued a LETTER of REPRIMAND.

After reviewing the agreement and taking its file into consideration, the Board moved to ACCEPT the agreement.

Akre/Barai, 4/0/1, with Dr. Holt abstaining
Motion carries

Martin Dee Bonney, M.D., License No. 01047187A, Cause No. 2008 MLB 0001

Respondent did appear in person and was represented by Brian Betner regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worth Holt, Jr., M.D.

An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the agreement and taking its file into consideration the Board moved to ACCEPT the agreement.

Barai/Barot, 4/0/1 with Dr. Holt abstaining
Motion carries

Ann Verlene Govier, M.D., License No. 01041278A, Cause No. 99 MLB 0021

Respondent did appear in person and was not represented by counsel regarding a request to Withdraw Order of Probation scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worth Holt, Jr., M.D.

Dr. Govier's Ohio license has been fully reinstated. She has completed her five (5) years of probation successfully. She has also been fully compliant with her Indiana probation terms.

After having considered the evidence presented and taking official notice of its file in their matter the Board moved to APPROVE Dr. Govier's request to Withdrawal of the Order of Probation.

Barai/Akre, 5/0/0
Motion carries

**Rodney Alan Dempsey, SHAD, Registration No. 40002279A, Cause No. 2007
MLB 0022**

Respondent did appear in person and was represented by William Hall regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Heather Kennedy, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D.

Valerie Dempsey was sworn in as a witness for the Respondent.

The Board reviewed each count filed by the Attorney General's Office against the Respondent. The Board moved that the State met the burden of proof in count one (1).

Barai/Akre, 4/0/0

The Board moved that the State met the burden of proof in count two (2).

Akre/no second
Motion fails

After further discussion the Board moved that the State did not met the burden of proof in count two (2).

Barai/Barot, 2/2/0, with Mr. Huddleston and Dr. Akre objecting
Motion fails

After further discussion the Board moved that the State met the burden of proof in count two (2).

Akre/Barot, 3/0/1, with Dr. Bari abstaining
Motion carries

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to FINE the Respondent \$2,000 plus costs of the hearing and transcript. The Board further moved that if the Respondent ever applies for a license in Indiana it will be on INDEFINITE PROBATION for minimum of one (1) year with terms and conditions.

Barai/Akre, 4/0/0
Motion carries

Hong Yuan Shao, D.C., Acu., License No. 81000063A, Cause No. 2007 MLB 0004

Respondent did not appear in person and was represented by James Voyles regarding a Petition for Reinstatement before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Andy Rutledge Reporting.

Participating Board Members: Stephen Huddleston, J.D., Thomas Akre, D.O., Navin Barot, M.D., Bharat Barai, M.D., Worth Holt, Jr., M.D.

Dr. Shao's Chiropractic license has been reinstated on indefinite probation.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REINSTATE the Respondent's license on INDEFINITE PROBATION consistent with his Chiropractic probation.

Barai/Holt, 5/0/0
Motion carries

DISCUSSION

Public Hearing on Rules concerning Office Based Procedures: LSA Document #07-842: The Board held a public hearing for comments on the Office Based Procedures; LSA Document #07-842.

The following addressed the Board with their comments and concerns:

Marsha McKenna, Ethicon-Endo Surgery Center a Division of Johnson & Johnson.

Gordon Rosenberry, Director State Government Affairs at Johnson & Johnson
Libby Cierzniak, J.D. Baker & Daniels representing the Indiana Society of Anesthesiologists

Mark Kyker, M.D., President of the Indiana Society of Anesthesiologists

Zack Cattell, ISMA

Mark Scher, Indiana Nurse Anesthesia Association

Jackie Rolls, CRNA, Indiana Nurse Anesthesia Association

Jerry Micho, CRNA, Indiana Nurse Anesthesia Association

The Board thanked everyone for their comments and concerns. After discussion the Board moved to ADOPT the rules as it stands.

Barai/Barot, 5/0/0
Motion carries

REVIEW OF INITIAL APPLICATIONS

Participating Board Members: Worthe Holt, Jr., M.D., Bharat Barai, M.D., Thomas Akre, D.O., Stephen Huddleston, J.D., Navin Barot, M.D.

The Board reviewed the positive response information on the following applicants and approved them for issuance: Holt/Barai, 5/0/0

William Betsill, M.D.
Jeffrey Gold, M.D.
Chitra Madhavan, M.D.
Bruce Yacyshyn, M.D.

Christopher Gist, M.D.
Ralf Hatch, M.D.
Steven Jiotis, M.D.

The Board reviewed the positive response information on Ayman Yaish, D.O. and approved it pending a favorable addictionology evaluation. Huddleston/Holt, 5/0/0

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board: Holt/Akre, 5/0/0

Peter Bertin, D.O

The Board reviewed the positive response information on the following applicant and DENIED the application: Holt/Akre, 5/0/0

Robert Cirillo, M.D.

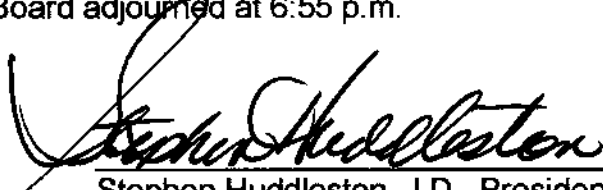
The Board reviewed the following Physician Assistant Prescriptive Authority applications and approved for issuance of prescriptive authority: Holt/Barai, 5/0/0

Brianne Ancich, 10000819A
Amy Boesch, 10000914A
Andrew Bulla, 10000859A
Alison Clock, 10000941A
Todd DeTurk, 10000810A
Lynnelle Driver, 10000505A
Amanda Fuhrer, 10000603A
Denise Harty, 10000526A
Karma Kristufer, 10000799A
Mark Lutz, 10000862A
Susan McKinney, 10000139A
Cheryl Pittsford, 10000443A
Ashley Quade, 10000871A
Natalie Sadek, 10000918A
Kristin Shields, 10000804A
Amanda Stieglitz, 10000938A
Michael Taylor, 10000546A

Molly Beakas, 10000976A
Donald Brower, 10000533A
Deborah Castile, 10000216A
John Combs, 10000412A
Robert Doll, 10000600A
Kristen Fralich, 10000528A
Jennifer Hartman, 10000688A
Melissa Jones, 10000870A
Laura Long, 10000583A
Silas McGhee, 10000616A
Helen Weber-McReynolds, 10000096A
Melissa Pytel, 10000814A
Shannon Quinn, 10000515A
Lisa Schmalz, 10000259A
Jyoti Singh, 10000696A
Suzanne Stiller, 10000304A
Susan Weigel, 10000388A

Brian Yochim, 10000746A

There being no further business the Board adjourned at 6:55 p.m.


Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary